



UNITED STATES DISTRICT COURT

District of Minnesota

Richard D. Sletten, Clerk

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St. Paul, MN 55101
(651) 848-1100

U.S. Courthouse
300 South Fourth Street
Suite 202
Minneapolis, MN 55415
(612) 664-5000

Gerald W. Heaney Federal Building
and U.S. Courthouse and Customhouse
515 West First Street
Suite 417
Duluth, MN 55802
(218) 529-3500

U.S. Courthouse
118 South Mill Street
Suite 212
Fergus Falls, MN 56537
(218) 739-5758

PUBLIC NOTICE

Date: May 9, 2011

Contact: Richard Sletten, Clerk of Court
(612) 664-5026

FEDERAL COURT LOCAL RULE AMENDMENT

The United States District Court for the District of Minnesota is implementing amendments to Local Rule 83.5(d)-(e), concerning the admission of nonresident attorneys and government attorneys. Under 28 U.S.C. § 2071(e), these amendments will become effective immediately on May 9, 2011. As required by statute, these amendments are posted by the Court for public review and comment through June 9, 2011. Comments should be provided in writing to the Clerk of Court at the address above or by email to MnFedRules@mnd.uscourts.gov no later than June 9, 2011.

The amendment to LR 83.5(d) corrects the inadvertent omission that occurred in the restyling of LR 83.5 concerning the requirement that nonresident attorneys be members in good standing of a federal district court. The amendment to LR 83.5(e) makes the language concerning the bar admission of government attorneys consistent with subsection (d). These amendments are shown in redline, below.

Local Rule 83.5(d)-(e):

(d) Nonresident Attorneys. An attorney who does not represent the United States or one of its officers or agencies, who resides outside of Minnesota, and who is not admitted to practice before the Supreme Court of Minnesota may be permitted to appear before the court pro hac vice only as follows:

(1) The nonresident attorney must be a member in good standing of the bar of a federal district court other than this court.

(2) The nonresident attorney must associate with an active member of the court's bar, in good standing, who must:

(A) participate in the preparation and presentation of the case;

(B) accept service of all papers; and

(C) be a Minnesota resident unless the court, upon motion, orders otherwise.

(3) A member of the court's bar must move for the nonresident attorney's admission pro hac vice. The motion must:

(A) be accompanied by payment of the admission fee established by the court;

(B) be made on the form supplied by the clerk for admission pro hac vice of attorneys other than attorneys for the United States; and, as required by the form,

(C) include:

(i) an affidavit signed by the member of the court's bar who will be associating with the nonresident attorney; and

(ii) an affidavit signed by the nonresident attorney.

(e) Government Attorneys. An attorney who represents the United States or any of its officers or agencies and who is not a member of the court's bar must move for admission on the form supplied by the clerk for the admission pro hac vice of attorneys for the United States. Such an attorney may be permitted to appear pro hac vice only as follows:

(1) An attorney ~~admitted to practice~~ who is a member in good standing in of the bar of a federal court of appeals or a federal district court other than this court may, after filing the required form, represent the United States or any of its officers or agencies in this court.

(2) Any other attorney may represent the United States or any of its officers or agencies in this court only if the attorney both files the required form and associates with an attorney from the United States Attorney's Office for the District of Minnesota. The associating attorney from the United States Attorney's Office for the District of Minnesota must:

(A) participate in the preparation and presentation of the case; and

(B) accept service on behalf of the United States of all papers.

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Richard D. Sletten
Clerk, U.S. District Court
District of Minnesota